

REMARKS

Responsive to the outstanding Office Action, applicant has carefully studied the Examiner's rejections and the comments relative thereto. Favorable reconsideration of the application is respectfully requested in light of the amendments and following detailed arguments.

In the response, claims 12-18 have been amended. It is respectfully submitted that these amendments presented herein advance the application toward allowance and thus entry of these amendments is respectfully requested.

REJECTIONS UNDER 35 USC §112, SECOND PARAGRAPH

Claims 12-18 were rejected under 35 USC §112, second paragraph, for being indefinite. The Examiner provided a list of specific issues regarding the claims.

Claim 12 has been amended to properly depend from claim 11. It is believed that this overcomes the rejection thereagainst by the Examiner.

The phrase and/or has been removed and the relevant claims have been amended to proper markush language where appropriate. It is believed that this overcomes the rejections against claims 13, 14 and 16-18. Claims 1-16 have been amended to remove the phrase "if necessary". It is therefore believed that this overcomes the rejection against those claims.

It is therefore believed that all of the claims fully comply with the requirements of 35 USC §112, second paragraph. Withdrawal of this rejection is therefore respectfully requested.

DOUBLE PATENTING

Claims 11, 12 and 14-19 were provisionally rejected on the ground of non-statutory obviousness type double patenting over copending application 10/553,259 in view of Sugino.

It is noted that the Sugino method is discussed in the specification of the present application. It is noted therein that the Sugino reference utilizes red phosphorous in its flame retardant composition. The present invention avoids the use of red phosphorous

as it is not a preferred material for use in making a flame retardant. Specifically, considerable safety precautions must be taken with the use of red phosphorous in manufacturing because of the potential production of the toxic phosphine. Additionally, the use of red phosphorous is limiting in that it introduces an inherent dark color into the molding composition which may not be desired for a particular application. This color can prevent preferred colors from later being manufactured.

It is therefore submitted that the Examiner's combination of Sugino with the copending application does not yield the present invention, as the Examiner has proposed modifying the copending application with the composition of Sugino. As Sugino uses red phosphorous this does not render the present invention unpatentable under the doctrine of double patenting.

In view of the above, reconsideration and withdrawal of the rejection are requested.

Rejections under 35 USC 103

Claims 11-15 and 17-20 were also rejected under 35 USC 103 as being unpatentable over Sugino in view of Kleiner in view of Scheibelhofer.

The Sugino reference is discussed above. Sugino requires the use of red phosphorous in making its flame retardant composition.

Kleiner discloses a material containing nylon 46 or 66. The present invention teaches a wide range of nylons that can be used to attain the final product. There is nothing in Kleiner which would overcome the deficiency of the Sugino reference, as discussed above. The Examiner cites the Scheibelhoffer reference to show the use of a preferred colorant. Again, the Sugino reference utilizes red phosphorous as a flame retardant which would limit the attainable colors to those dark colors incurring from the use of the red phosphorous.

It is respectfully submitted that nothing in either of the secondary references overcomes this deficiency of the primary reference. Therefore it is respectfully submitted that the present invention defines over the applied art of record.

Should the Examiner wish to modify the application in any way, applicant's attorney suggests a telephone interview in order to expedite the prosecution of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark A. Hixon', with a stylized flourish at the end.

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